

AT A MEETING OF THE CULPEPER COUNTY WATER AND SEWER AUTHORITY
HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON THURSDAY,
OCTOBER 6, 2005.

Board Members Present:

Sue D. Hansohn, Chairman

John F. Coates, Vice-Chairman

William C. Chase, Jr.

James C. Lee

Steven E. Nixon

Brad C. Rosenberger (arrived 7:10 p.m.)

Steven L. Walker

Staff Present:

Frank T. Bossio, Secretary

J. David Maddox, County Attorney

John C. Egertson, Planning Director

Paul Howard, Director of Environmental Services

Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mrs. Hansohn, Chairman, called the meeting to order at 7:00 p.m. and welcomed everyone the Authority's first official meeting.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Nixon moved, seconded by Mr. Lee, to approve the agenda as published.

Mrs. Hansohn called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Walker

Motion carried 6 to 0.

RE: MINUTES

The minutes of September 6, 2005 Water and Sewer Authority meeting were presented to the Board for approval.

Mr. Nixon moved, seconded by Mr. Lee, to approve the minutes as presented.

Mrs. Hansohn called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Walker

Absent - Rosenberger

Motion carried 6 to 0.

UNFINISHED BUSINESS

CONSIDERATION OF COMMENTS RECEIVED ON WASTEWATER RULES, REGULATIONS, OPERATIONAL PROCEDURES, DESIGN STANDARDS AND DETAILS FOR WATER AND SEWER AUTHORITY

Mr. Howard, Director of Environmental Services, reported that at the last Water and Sewer

Authority meeting the Rules, Regulations and Operating Procedures were presented for the Authority's consideration, and that the standards would apply to the service areas and systems that were authorized to the Authority by the Board of Supervisors. At this point, the standards would not apply to any systems in Culpeper, but as service areas were developed the standards would cover the water and sewer developments in those service areas. He said at the last meeting he summarized the public comments received and explained a brief explanation of their comments. The only change since the last meeting was in Volume B and it reflected some minor changes from two additional comments received from Dewberry Davis Engineers. The only substantive change in Volume B would be that the applicants and developers would have to involve Virginia Department of Transportation (VDOT) early in the process to discuss the location of the utilities that might be located in VDOT's right-of-way. He said several members of the Authority expressed concerns at the last meeting regarding the regulations for community water systems and the impact they may have on the proposed subdivisions. The requirements did involve fire flow, storage and minimal line sizes that may make small community water systems cost prohibitive. The standards would also preclude small community water systems and make them more sustainable and to avoid some of the problems that was being experienced at the present time in various locations throughout the County by increasing the line size, requiring fire flow and storage in much larger systems. These standards would apply to developments within the service areas that will be established by the Board of Supervisors, which were not countywide at this point. He recommended that the Board of Supervisors consider adopting the standards countywide once the Authority adopted the standards in order to have uniformity in the County. He asked Mr. Egertson to explain the potential impact these standards would have on small subdivisions and how it would affect the Subdivision Ordinance.

Mr. Egertson said upon adoption of these standards by the Authority, they would apply initially only to Authority owned systems or systems that were in an established service area. Initially, the standards would not affect the majority of subdivisions throughout the County. He said following the adoption of the standards by the Authority, the staff would be asking the Board of Supervisors to consider implementing the standards and require the standards for all systems countywide. It would be cost prohibitive for smaller subdivisions if these standards were imposed on all systems. The developers would not want to install the required storage tanks, and provide fire flow because it would be cost prohibitive for a system of less than 50 lots. The effect of applying these standards countywide would force some smaller subdivisions to increase the lot size to a 2-acre lot. He said it would be easier to increase the lot size and go with individual

wells, and it would be appropriate because the real effect would be to eliminate smaller central water supply systems, which are causing immense problems throughout the County at the present time. The Subdivision Ordinance could be relaxed and allow individual wells on smaller lots as long as it was a limited number of lots if the Board elected not to force the 2-acre lot size. He said the first step would be for the Authority to adopt the standards and then staff would make its appeal to the Board as to why it should be applied countywide.

Mr. Nixon asked for confirmation that these standards would apply to water systems within the service area, that outside the service area would remain the same, and anything over 50 lots would require fire flow. Mr. Howard replied that was a correct statement, and that the standards would not affect any community water system unless they were in a service area. Water and sewer would be available in the service area and would be connected to the central system. Mr. Nixon said if the Board should establish a service area that encompassed a small community water system, he asked if the water system would have to be abandoned entirely and fire flow would be established. Mr. Howard said if it included an existing project system within a service area, nothing would preclude the Authority from competing directly with a private system. If the Authority competed, then fire flow and fire regulations would be installed.

Mr. Nixon addressed the issue of burying water lines under streets and in rights-of-way, and pointed out that another section indicated that it could not be buried under asphalt. Mr. Howard said that the lines could be buried under asphalt, and that was one of the changes to be incorporated in the standards because VDOT must be included early in the process because some VDOT residencies allowed lines under the roads and some residencies preferred the lines not be installed under the road.

There was some discussion installing the lines under the streets, cut-off valves, and because the County would have to maintain the lines, it was suggested not to install the lines under the streets unless it was absolutely necessary. Mr. Rosenberger stated that he felt the lines should be placed beside the road and not under the road.

Mr. Walker raised the issue if there was too much water stored and the water quality. Mr. Howard said if there were too much storage with very little consumption, the water would stay in the tanks too long, thus creating a bacteria problem. He said to eliminate that from happening, it would be advantageous to implement a flushing schedule to turn the water over.

There was some discussion regarding grinder pumps and that it was not recommended to have grinder pumps in private homes, but rather have gravity flow to a main pump station and have the grinder pump distribute the waste. Mr. Howard said the overall intent would be to

eliminate privately owned maintained grinder pumps.

Mr. Walker asked Mr. Howard to explain Wiley & Wilson's comment to limit alkalinity control to only magnesium hydroxide. Mr. Howard said that Wiley & Wilson recommended magnesium hydroxide because it improved the sludge settleability and was not as corrosive as sodium hydroxide or as hazardous.

There was a general discussion regarding various portions of the rules and regulations: 1) that the vault housing the detector check valve should be adequately sized, 2) that the generator needed to be programmed to start on a regular basis, and 3) the duration of fire flow should be at least a 2-hour minimum.

Mr. Howard asked for the Authority's consideration to adopt the standards because there was some sense of urgency. The Clevenger's Corner design for their system would be started soon and if the Authority adopted the rules and regulations, the standards would apply to that project, and would apply to the AirPark service area as new connections were added. Mr. Coates pointed out that if the Authority adopted the rules and regulations tonight, they could be amended as the need arose.

Mr. Chase moved, seconded by Mr. Coates, to adopt the Water and Wastewater Rules, Regulations, Operational Procedures, Design Standards and Details for Culpeper County Water and Sewer Authority as amended.

Mrs. Hansohn called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSIDERATION OF POLICY TO PROTECT DRINKING WATER RESOURCES AND PUBLIC HEALTH

Mr. Howard said this policy would provide the applicant some insight of the Authority's goals and set the mission statement for the Authority. He said this policy stated that ...*"CCWSA is obligated to protect public health by developing and implementing effective and efficient water and wastewater management systems and facilities that provide for the needs of the community while protecting water resources. In addition, these system and facilities are to be designed, constructed and operated to assure sustained high performance in order to meet the requirement of responsible stewardship of public funds."*

Mr. Howard said it was necessary to protect water resources because the County would continue to rely on groundwater for water supply for the foreseeable future. He said for example the County has witnessed what could happen to public water supplies once they were

contaminated with the recent water issues being experienced by citizens in the County. He said to protect those groundwater resources from the point source and non-point source pollution would limit the availability to groundwater. Mr. Howard recommended that the Policy to Protect Drinking Water Resources and Public Health be adopted.

Mr. Coates moved, seconded by Mr. Chase, to adopt the policy.

Mrs. Hansohn called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSIDERATION OF POLICY ON COMMUNITY WATER AND SEWERAGE SYSTEMS

Mr. Howard said this policy pertained to community water and sewerage systems and it mirrored the rates, rules and regulations. He said that community systems were owned and operated by the Authority but could not be connected to any central system. At the present time, Clevenger's Corner and the AirPark were the central systems. He summarized the policy on community Water and Sewerage systems:

- The Authority would own the community water and sewerage systems, if within a service areas, established by the Board of Supervisors;
- The Authority will not consider accepting ownership, maintenance, and operation of any community water system or sewer system that did not meet the County's Comprehensive Land Use Plan policy provisions therein. This would only apply to those systems in the service area or those requested by the Board of Supervisors to consider;
- The systems would remain the property of the Authority after complete, inspected, and constructed;
- The Authority, in its sole discretion, would determine if the treatment systems would be built by the Authority or by the developer;
- The developer would guarantee and finance all construction;
- Before agreeing to accept any kind of community water and sewer system, the Authority would review and approve the design and construction standards that applied to that system;
- The developer would have to provide all the necessary easements and rights-of-way and conduct a hydrologic study for the water system to present to the Authority before the Authority accepted;
- The systems would be constructed at no cost and risk to the Authority in accordance with

the design criteria adopted;

- In the event, the Authority decided to design and build the systems, the applicant would finance 100 percent and guaranteed by a bond or Letter of Credit;
- Prior to acceptance of any system, the Authority may adopt a mandatory connection policy applicable to that system;
- The amount of operating subsidy required from developers will be affected by the user rates established by the Authority and the developers build out schedule. The reason for requiring the subsidy guarantee is to offset operating losses until there are sufficient connections to the system to cover operating costs.
- DEQ has issued waste load allocations to existing and expanding wastewater treatment plants and the entities that did not receive those allocations would be required to generate offsets from non-point sources for their nutrient loads;
- The Authority policy requires the applicant to obtain sufficient allocations to offset every pound of nitrogen and phosphorus discharged into that system so it would not be burden on the Authority or County;
- Offsets and allocations must be approved by DEQ and transferred to the Authority before the developer is allowed to build or connect to the system.

Mr. Howard pointed out that this policy set basic criteria for the developers what the Authority expected when considering owning these systems, and this policy was a supplement to the rules and regulations.

Mr. Chase moved, seconded by Mr. Lee, to approve the policy on Community Water and Sewerage System.

Mrs. Hansohn called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSIDERATION OF DRAFT COMMUNITY WATER SYSTEM AGREEMENT

Mr. Howard presented a draft agreement would be used to acquire water systems, which would be sent out to the developers so they would have an idea what to expect. Each agreement would be developed individually. The Agreement stipulated that the Authority would design the water and sewer treatment system subject to the applicant guaranteeing the system according to the policies. He said it was written so it could be modified for the applicant to design and build the system, or if the Authority builds and designed the system.

Mr. Chase moved, seconded by Mr. Lee, to adopt the draft Community Water System Agreement.

Mrs. Hansohn called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSIDERATION OF DRAFT COMMUNITY WASTEWATER SYSTEM AGREEMENT

Mr. Howard presented a draft agreement wastewater agreement, which was similar to the Water System Agreement, but it contained provisions for the nutrient loading and credits that must be provided and some changes to the performance guarantees.

Mr. Chase moved, seconded by Mr. Lee, to approve the draft Community Wastewater System Agreement.

Mrs. Hansohn called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CLOSED SESSION

Mr. Coates moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for discussion with legal counsel and Staff regarding negotiating specific contract terms with a private contractor, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
2. Under *Virginia Code* § 2.2-3711(A)(3) & (A)(7), for discussion with legal counsel and Staff regarding the acquisition of specific real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

Seconded by Mr. Nixon.

Mrs. Hansohn called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

The Authority entered into closed session at 8:05 p.m.

The Authority returned to open session at 8:50 p.m.

Mrs. Hansohn polled the members of the Board regarding the closed session held. She asked the individual Board members to certify that to the best of their knowledge, did they certify

that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes – Chase, Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

Motion carried 7 to 0.

ADJOURNMENT

Mr. Coates moved to adjourn at 8:51 p.m. Seconded by Mr. Nixon.

Mrs. Hansohn called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

Sue D. Hansohn, Chairman

ATTEST:

Frank T. Bossio, Secretary

DATE APPROVED: May 4, 2006